

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

VICKIE ROBINSON,

Plaintiff,

v.

THE LINCOLN NATIONAL LIFE
INSURANCE COMPANY,

Defendant.

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C.A. No. 7:17-cv-20

INDEX OF DOCUMENTS FILED

Defendant The Lincoln National Life Insurance Company (“Lincoln National”), pursuant to N.D. Tex. L.R. 81.1(a), files a copy of the docket sheet and each document filed in the state court from which this case has been removed. The documents are tabbed and attached as set forth below:

| <u>TAB</u> | <u>DATE FILED IN STATE COURT</u> |
|---|--------------------------------------|
| 1. Docket Sheet in State Court Action | |
| 2. Plaintiff’s Original Petition and Request for Disclosure (with attached discovery requests) | 11/22/16 |
| 3. the Citation issued to Lincoln National | 11/22/16 |
| 4. the Return of Service of Citation on Lincoln National | 1/31/17 |
| 5. Defendant’s Original Answer | 2/16/17 |
| 6. Order for Pretrial Scheduling Conference | 2/17/17 |

Respectfully submitted,

By: /s/ Andrew C. Whitaker
Andrew C. Whitaker
State Bar No. 21273600
andrew.whitaker@figdav.com
Roshanak Khosravighasemabadi
State Bar No. 24048587
Rosh.Khosravi@figdav.com

FIGARI + DAVENPORT, LLP
901 Main Street, Suite 3400
Dallas, Texas 75202
(214) 939-2000
(214) 939-2090 (telecopy)

ATTORNEYS FOR DEFENDANT
THE LINCOLN NATIONAL LIFE
INSURANCE COMPANY

1

NATURE OF PROCEEDINGS

2

2016-0151A-CV
Archer County - District Clerk

Filed: 11/22/2016 2:10:09 PM
Lori Rutledge,
District Clerk
Archer County, Texas
Julie Womack

NO. 2016-0151A-CV

| | | |
|-----------------------|---|--------------------------|
| VICKIE ROBINSON | § | IN THE DISTRICT COURT OF |
| | § | |
| VS. | § | ARCHER COUNTY, TEXAS |
| | § | |
| LINCOLN NATIONAL LIFE | § | |
| INSURANCE COMPANY | § | 97th JUDICIAL DISTRICT |

PLAINTIFF'S ORIGINAL PETITION AND
REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, VICKIE ROBINSON, Plaintiff, and files this Original Petition, complaining of the Defendant, LINCOLN NATIONAL LIFE INSURANCE COMPANY and for cause of action would respectfully show the following:

I.
Discovery

Pursuant to Rules 190.1 and 190.4 of the Texas Rules of Civil Procedure. Plaintiff alleges that this case should be conducted under Level 3 of the Discovery control Plan.

II.
Parties

Plaintiff, VICKIE ROBINSON is and at all times relevant to this lawsuit a resident of Harris County, Texas.

Defendant, LINCOLN NATIONAL LIFE INSURANCE COMPANY, is a foreign insurance company doing business in Texas. Defendant maybe served with citation and suit papers by serving same on its Attorney for Service, Corporation Service Company at 211 East 7th Street, Suite 620, Austin, Texas 78701, or wherever it may be found.

Archer County - District Clerk

III.
Jurisdiction and Venue

At all times relevant to this suit, Defendant was a foreign insurance company doing business for monetary profit in Texas. This case is not removable pursuant to 28 U.S.C. § 1441(b). The Federal Courts lack federal question subject matter jurisdiction over this action, as no claim or defense in this matter is based upon or arises under a federal statute or law.

Venue in this case is proper in Harris County, Texas, pursuant to §15.032 of the Texas Civil Practice & Remedies Code because the loss occurred in Harris County and the insured resided in Harris County.

IV.
Facts

Defendant LINCOLN NATIONAL LIFE INSURANCE COMPANY ("LINCOLN") issued a Life Insurance Policy to Matthew Earl Robinson with \$66,000.00 in death benefits. Mr. Robinson named his wife, VICKIE ROBINSON, as the sole beneficiary under the policy.

On or about November 20, 2015, Matthew Earl Robinson passed away. Following Mr. Robinson's death, Plaintiff submitted her claim for death benefits to Defendant, LINCOLN. When first notified of the claim, LINCOLN confirmed that Plaintiff was beneficiary. Several weeks later, LINCOLN denied Plaintiff's claim on the grounds that she was not beneficiary, but refused to identify the beneficiary or provide any proof that Plaintiff was not designated beneficiary. Plaintiff would show that throughout his life and to a number of other parties, including his bank, Mr. Robinson identified his wife, Vickie Robinson, as the sole beneficiary under this policy. Plaintiff now brings suit against Defendant for this wrongful denial of her Life Insurance claim.

Archer County - District Clerk

**V.
Causes of Action Against Defendant**

A. -- Violations of the Texas Insurance Code

Based on the above conduct, Defendant's violations of the Texas Insurance Code include, but are not necessarily limited to:

- (1) knowingly misrepresenting to the Plaintiff, VICKIE ROBINSON pertinent facts or policy provisions relating to coverage at issue;
- (2) failing to effect a prompt, fair, and equitable settlement of the claim in which liability has become reasonably clear;
- (3) failing within a reasonable time to pay the policy benefits; and
- (4) making a material misstatement of fact.

As a result of Defendant's violation of the Texas Insurance Code, Plaintiff has suffered damages.

B. -- Breach of the Duty of Good Faith and Fair Dealing

In addition or in the alternative, Plaintiff would show that the Defendant had a duty to deal fairly and in good faith with him in the handling of her insurance claim. Defendant breached this duty by both refusing to properly investigate the claim and wrongfully refusing to pay the full value of the claim. Defendant knew or should have known that there was no reasonable basis for failing pay the full value of Plaintiff's life insurance claim. As a result of Defendant's breach of these legal duties, Plaintiff has suffered damages.

C. -- Violations of the Texas Deceptive Trade Practices Act

In addition or in the alternative, Plaintiff would show that Defendant's acts and omissions as discussed above were violations of the Texas Deceptive Trade Practice Act (DTPA).

Tex. Bus. & Com. Code §§ 17.42, 17.46, 17.50(a) provides additional protections to consumers who are victims of deceptive, improper, or illegal practices. Defendant's above-

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described violations of the Texas Insurance Code and other unconscionable acts are violations of the DTPA.

D. -Breach of Contract

In addition or in the alternative, Plaintiff would show that at the time of Mr. Robinson's death there was a valid contract in existence (i.e., the Life Insurance Policy) and that Plaintiff complied with all applicable terms of the subject contract. Defendant, LINCOLN breached the contract by refusing to pay the full amount of benefits due under the Policy following Mr. Robinson's death. As a result of Defendant's breach of contract, Plaintiff has suffered damages.

**VI.
Damages**

Plaintiff is entitled to the actual damages resulting from the above-described acts and omissions of the Defendant including but not limited to the full amount of policy proceeds which were due under the terms of the subject policy of insurance.

In addition, Plaintiff is entitled to damages pursuant to Texas Insurance Code §542.060.

Furthermore, Defendant's knowing and intentional violations of Texas Insurance Code §§ 541 and 542 and Tex. Bus. & Com Code §17.50, its unconscionable acts, as well as the breach of its common law duty of good faith and fair dealing entitles Plaintiff to damages for mental anguish and statutory damages as permitted by the Texas Insurance Code and the Tex. Bus. & Com. Code.

Pursuant to Tex. R. Civ. P. 47c, Plaintiff seeks monetary relief over \$100,000.00 but not more than \$200,000.00.

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**VII.
Attorney's Fees**

Plaintiff is entitled to recover reasonable and necessary attorney fees under Tex. Civ. Prac. & Rem. Code 38.001(8), Tex. Bus. & Com Code §17.50 (d), Tex. Ins. Code § 541.152(a)(1), and Tex. Ins. Code § 542.060.

**VIII.
Interest**

Plaintiff further brings suit for pre-judgment interest as allowed by law.

**IX.
Conditions Precedent**

All conditions precedent to Plaintiff's claim for relief have been performed or have occurred.

**X.
Rule 193.7 Disclosure**

Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff hereby gives actual notice to Defendant that any and all documents produced by Defendant may be used against Defendant at any pretrial proceeding and/or at the trial of this matter without the necessity of authenticating the documents.

**XI.
Request for Jury Trial**

Plaintiff requests a trial by jury and the required jury fee has been paid.

**XII.
Request For Disclosure**

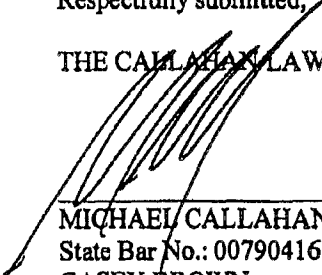
Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendant is hereby requested to disclose, within 50 days of service of this request, the information or material described in Texas Rule of Civil Procedure 194.2(a)-(l).

Archer County - District Clerk

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Defendant be cited in terms of law to appear and answer herein and that upon final trial hereof, Plaintiff have judgment against the Defendant, for her damages, as well as costs of court, pre-judgment interest, attorneys' fees, interest on the judgment, and for such other and further relief, both general and special, legal and equitable, as she may show herself justly entitled.

Respectfully submitted,

THE CALLAHAN LAW FIRM



MICHAEL CALLAHAN
State Bar No.: 00790416
CASEY BROWN
State Bar No.: 24031768
440 Louisiana, Suite 2050
Houston, Texas 77002
Telephone: (713) 224-9000
Facsimile: (713) 224-9001
Email: efiling@thecallahanlawfirm.com

ATTORNEYS FOR PLAINTIFF

2016-0151A-CV

Archer County - District Clerk

NO. _____

| | | |
|-----------------------|---|--------------------------|
| VICKIE ROBINSON | § | IN THE DISTRICT COURT OF |
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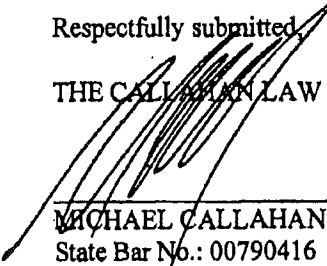
PLAINTIFF'S FIRST SET OF INTERROGATORIES AND
FIRST REQUEST FOR PRODUCTION TO DEFENDANT,
LINCOLN NATIONAL LIFE INSURANCE COMPANY

TO: Defendant, LINCOLN NATIONAL LIFE INSURANCE COMPANY, by and through its registered agent and/or attorney of service, Corporation Service Company at 211 East 7th Street, Suite 620, Austin, Texas 78701, or wherever it may be found.

COMES NOW, Plaintiff VICKIE ROBINSON, in the above entitled and numbered cause, and requests that Defendant, LINCOLN NATIONAL LIFE INSURANCE COMPANY, respond and pursuant to the provisions of the Texas Rules of Civil Procedure the items specified below, and return same to the office of THE CALLAHAN LAW FIRM, 440 Louisiana, Suite 2050, Houston, Texas 77002 within the time prescribed by the Texas Rules of Civil Procedure.

Respectfully submitted,

THE CALLAHAN LAW FIRM



MICHAEL CALLAHAN

State Bar No.: 00790416

CASEY BROWN

State Bar No. 24031768

440 Louisiana, Suite 2050

Houston, Texas 77098

Telephone: (713) 224-9000

Facsimile: (713) 224-9001

Email: efiling@thecallahanlawfirm.com

ATTORNEYS FOR PLAINTIFF

Archer County - District Clerk

DEFINITIONS AND INSTRUCTIONS

1. The term "**document**" is used in its customary broad sense to include all documents and tangible things as defined in Rule 192.3(b) TRCP; i.e., all papers, books, accounts, drawings, graphs, charts, photographs, email, electronic or videotape recordings, data, and data compilations. The term "**document**" includes all written or graphic matter of every kind or description, whether printed or reproduced by any process, or written and/or produced by hand, whether final or draft, original or reproduction, whether or not claimed to be privileged or otherwise excludable from discovery, whether in the actual or constructive possession, custody or control of said Defendant. The term "**document**", as used herein, also includes the original of any documents in whatever form or medium it may exist, and all copies of each such document bearing, on any sheet or slide thereof, any marks, including by way of illustration only and not by way of limitation, initials, stamped indicia, any comments or notation of any character not a part of the original text or any reproduction thereof.
2. The term "**communication**" means any transmission of information of any sort whatsoever by one or more persons to one or more persons and/or between one or more persons, by any means whatsoever, including, but not limited to, telephone conversations, letters, email, documents, telegrams, teletypes, telecopies, written memoranda and face-to-face conversations.
3. The term "**Defendant**" or "**Insurer**" as used herein refers to LINCOLN NATIONAL LIFE INSURANCE COMPANY, and all present and former employees, agents or representatives of the Defendant, unless otherwise indicated.
4. The term "**Plaintiff**" as used herein refers to VICKIE ROBINSON, unless otherwise indicated.
5. The term "**policy**", "**policies**", "**subject policy**" means the Insurance policy issued by the Defendant to provide insurance coverage to Matthew Robinson.
6. The term "**claim**", "**claim(s)**" or "**claims**" means any and all claims made by the Plaintiff for under the policy due to death of Matthew Robinson.
7. The term "**you**" or "**your**" means the Defendant.
8. The term "**identify each person**" as used in these interrogatories means to state the name, present or last known home address, present or last known home telephone number for each such person.
9. The term "**identify each document**" as used in these Interrogatories means to state the following for each such document:
 - (a) A general description of each such document,
 - (b) The date of each such document,
 - (c) The identity of each person who is a party to each such document,
 - (d) The author of each such document.

Archer County - District Clerk

In lieu of describing such document(s) in detail, you may describe such document(s) in general and attach a true and correct copy of such document(s) to your answers to these Interrogatories.

10. The term "evaluate" is used in its customary broad sense to include reviewing, evaluating, handling, adjusting, approving, denying, or considering any matter.

11. The term "identify each person or entity who evaluated the Plaintiff's claim(s)" means to state the following for each such person:

- A. The name, address, telephone number, and title or position of each person who evaluated otherwise considered the Plaintiff's claim(s).
- B. State the date of each evaluation and describe in general the evaluation that was done by each such person and what documents and other matters were considered by him or her in evaluating or otherwise considering the Plaintiff's claim(s).

Archer County - District Clerk

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT,
LINCOLN NATIONAL LIFE INSURANCE COMPANY

INTERROGATORY NO. 1

Other than denying liability, if you contend that you have been erroneously joined as a defendant in this case, please state the basis for such contention.

ANSWER:

INTERROGATORY NO. 2

State when, how, and by whom you were first put on notice of Plaintiff's claim.

ANSWER:

INTERROGATORY NO. 3

Briefly describe each action taken by you to investigate Plaintiff's claim. Include in your answer the date of each action taken and the identity of the person(s) who participated in the action on your behalf.

ANSWER:

INTERROGATORY NO. 4

Please state when the Policy was applied for, when it was issued, and when any changes of beneficiary were submitted.

ANSWER:

INTERROGATORY NO. 5

Identify each person interviewed by you after receiving notice of Plaintiff's claim; as part of your answer also state the date of each interview; and briefly describe the information given to you in each interview.

ANSWER:

INTERROGATORY NO. 6

Identify each person who participated in the investigation of Plaintiff's claim; as part of your answer also briefly describe the specific action taken by each person; and state the date each specific action was taken.

ANSWER:

Archer County - District Clerk _____

INTERROGATORY NO. 7

Describe briefly all facts which you contend support the denial of Plaintiff's claim. Include in your answer the date you obtained such fact and from whom you obtained each fact.

ANSWER:

INTERROGATORY NO. 8

Has the work of any consulting expert been reviewed by a person named as an expert in response to a request for disclosure? If so, provide the following information:

- a. Identify each consulting expert;
- b. Produce the expert's current resume and bibliography;
- c. State the facts known to the expert that relate to or form the basis of the expert's mental impressions and opinions formed or made in connection with the case, regardless of when and how the factual information was acquired;
- d. State the mental impressions or opinions of the expert formed or made in connection with the case and any methods used to derive them;
- e. Identify all documents and tangible things, including reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert, so the documents or tangible things may properly be sought by a request for production.

ANSWER:

Archer County - District Clerk

PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO DEFENDANT,
LINCOLN NATIONAL LIFE INSURANCE COMPANY

REQUEST FOR PRODUCTION NO. 1

Claim Files. Defendant's file(s) for the Claim made the basis of this lawsuit. This request includes but is not limited to any written communications received or reviewed during the course of Defendant's handling of this claim, but does not seek the production of any documents protected by the attorney-client and work product privileges.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2

The entire underwriting manual used by you in evaluating potential applications for your Life Insurance Policies, such as the Subject Policy made the basis of this lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3

The underwriting file for the Subject Policy made the basis of this lawsuit, including the application(s) completed for such coverage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4

The entire agent's file(s) for the Subject Policy which was created and/or maintained by you and/or the agent.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5

Copy of each and every computer entry of Defendant which pertains to the Plaintiff, the Plaintiff's claim, or which pertains to any file of the Defendant concerning the Plaintiff, as well as your manual or other documents explaining your computer codes.

RESPONSE:

Archer County - District Clerk

REQUEST FOR PRODUCTION NO. 6

A copy of the Subject Policy(s) issued by you which insured the life of Matthew Robinson which was in effect on the day he died, including the declarations pages and all endorsements, riders, changes of beneficiary, or other amendments to the Subject Policy.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7

A copy of all correspondence between you and Plaintiff.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8

A copy of all correspondence between you and Matthew Robinson.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9

All correspondence regarding the subject claim sent by you or on your behalf to third parties during the claim process for the Subject Policy.

RESPONSE:

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CITATION
CAUSE NO. 2016-0151A-CV

THE STATE OF TEXAS

COUNTY OF ARCHER

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after the date you were served this citation and petition, a default judgment may be taken against you."

TO: LINCOLN NATIONAL LIFE INSURANCE COMPANY (Agent: Corporation Service Company) - 211 EAST 7TH ST., SUITE 620, AUSTIN, TX 78701, Defendant, GREETING:

You are hereby commanded to appear before the Honorable 97th DISTRICT COURT of Archer County, Texas, at the Courthouse of said county in Archer City, Texas by filing a written answer to the Plaintiff's: **PLAINTIFFS ORIGINAL PETITION AND REQUEST FOR DISCLOSURE** at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation, in cause number 2016-0151A-CV, styled

VICKIE ROBINSON
VS.

LINCOLN NATIONAL LIFE INSURANCE COMPANY

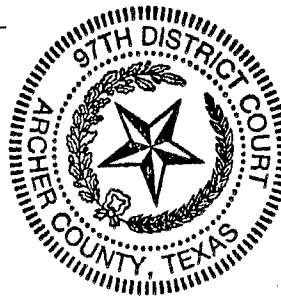
Said Petition was filed in said court by MICHAEL CALLAHAN, attorney, 440 LOUISIANA ST., SUITE 2050, HOUSTON, TX 77002, on the 22nd day of November, 2016.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at Archer City, Texas, this 22nd day of November, 2016.

Attest:

Lori Rutledge
LORI RUTLEDGE, DISTRICT CLERK
P.O. Box 815
Archer City, Texas 76351

By Julie Womack
JULIE WOMACK, DEPUTY



DEFENDANT'S COPY

SHERIFF'S RETURN

Came to hand on the ____ day of _____ 20____, at _____ o'clock ____ M. and executed in _____ County, Texas, by delivering to **LINCOLN NATIONAL LIFE INSURANCE COMPANY** in person a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the plaintiff's petition at the following times and places, to-wit:

| NAME | DATE | TIME | PLACE AND COURSE |
|------|------|------|------------------|
| | | | |
| | | | |
| | | | |

- [] Not executed. The diligence used in finding defendant being _____

 and the cause of failure to execute this process is: _____

- [] Information received as to the whereabouts of defendant being _____

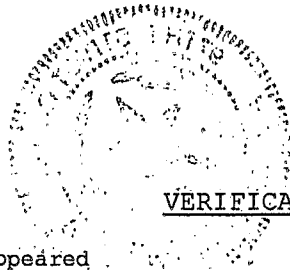
FEES - Serving \$ _____:

Service ID# _____

 Sheriff / Constable / Private Service

 County, Texas

 Deputy



VERIFICATION

On this day personally appeared _____ known to me to be the person whose name is subscribed on the foregoing instrument and who has stated: upon penalty of perjury, I attest that the foregoing instrument has been executed by me in this cause pursuant to the Texas Rules of Civil Procedure. I am over the age of eighteen years and I am not a party to or interested in the outcome of this suit, and have been authorized by the Archer County Courts to serve process.

Subscribed and sworn to before me on this _____ day of _____, 20____
 _____ Notary Public

** Service by Rule 106 TRC if directed by attached Court Order

Y:\2017\02\23\17-cv-00020-O-BP-1-1

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Filed: 1/31/2017 12:07:15 PM
Lori Rutledge,
District Clerk
Archer County, Texas
Julie Womack

CITATION
CAUSE NO. 2016-0151A-CV

THE STATE OF TEXAS

COUNTY OF ARCHER

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after the date you were served this citation and petition, a default judgment may be taken against you."

TO: LINCOLN NATIONAL LIFE INSURANCE COMPANY (Agent: Corporation Service Company) - 211 EAST 7TH ST., SUITE 620, AUSTIN, TX 78701, Defendant, GREETING:

You are hereby commanded to appear before the Honorable 97th DISTRICT COURT of Archer County, Texas, at the Courthouse of said county in Archer City, Texas by filing a written answer to the Plaintiff's: **PLAINTIFFS ORIGINAL PETITION AND REQUEST FOR DISCLOSURE** at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation, in cause number 2016-0151A-CV, styled

VICKIE ROBINSON
VS.

LINCOLN NATIONAL LIFE INSURANCE COMPANY

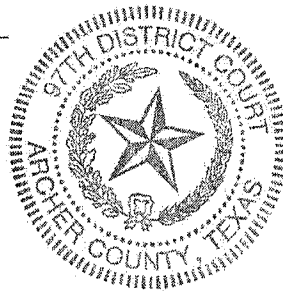
Said Petition was filed in said court by MICHAEL CALLAHAN, attorney, 440 LOUISIANA ST., SUITE 2050, HOUSTON, TX 77002, on the 22nd day of November, 2016.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at Archer City, Texas, this 22nd day of November, 2016.

Attest:

Lori Rutledge
LORI RUTLEDGE, DISTRICT CLERK
P.O. Box 815
Archer City, Texas 76351

By Julie Womack
JULIE WOMACK, DEPUTY



**RETURN TO DISTRICT
CLERK'S OFFICE**

SHERIFF'S RETURN

Came to hand on the 23 day of JANUARY 2017, at 12:10 o'clock P.M. and executed in TRAVIS County, Texas, by delivering to LINCOLN NATIONAL LIFE INSURANCE COMPANY in person a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the plaintiff's petition at the following times and places, to-wit:

| NAME | DATE | TIME | PLACE AND COURSE |
|--|----------------|----------------|---|
| <u>LINCOLN NATIONAL LIFE INSURANCE</u> | <u>1/27/17</u> | <u>9:03 AM</u> | <u>C/O CORPORATION SERVICE COMPANY</u> <u>EAST 7TH ST., STE. 620</u> <u>AUSTIN, TX 78701</u> <u>VIA US CERTIFIED MAIL R/R #</u> <u>7016 1370 0002 3448 2583</u> |

[] Not executed. The diligence used in finding defendant being

and the cause of failure to execute this process is:

[] Information received as to the whereabouts of defendant being

FEES - Serving \$ 100.00:

Service ID# SCH 209

Johnny R. Black
Sheriff / Constable / Private Service

SCH 209 County, Texas

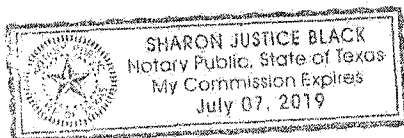
EXP. 1/31/19 Deputy

VERIFICATION

On this day personally appeared JOHNNY R. Black known to me to be the person whose name is subscribed on the foregoing instrument and who has stated: upon penalty of perjury, I attest that the foregoing instrument has been executed by me in this cause pursuant to the Texas Rules of Civil Procedure. I am over the age of eighteen years and I am not a party to or interested in the outcome of this suit, and have been authorized by the Archer County Courts to serve process.

Subscribed and sworn to before me on this 30 day of JANUARY, 2017
Sharon Justice Black Notary Public

** Service by Rule 106 TRC if directed by attached Court Order



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Filed: 2/16/2017 10:13:59 AM
Lori Rutledge,
District Clerk
Archer County, Texas
LaNell Beesinger

CAUSE NO. 2016-0151A-CV

| | | |
|---------------------------|---|------------------------------------|
| VICKIE ROBINSON, | § | IN THE DISTRICT COURT |
| | § | |
| Plaintiff, | § | |
| | § | |
| v. | § | 97 th JUDICIAL DISTRICT |
| | § | |
| THE LINCOLN NATIONAL LIFE | § | |
| INSURANCE COMPANY, | § | |
| | § | |
| Defendant. | § | ARCHER COUNTY, TEXAS |

DEFENDANT'S ORIGINAL ANSWER

Defendant The Lincoln National Life Insurance Company ("Lincoln National") files this original answer to Plaintiff's Original Petition and Request for Disclosure (the "Petition") and states:

ANSWER

1. **General Denial.** Subject to such admissions and stipulations as may be made at the time of trial, Lincoln National denies generally and specially the material allegations contained in the Petition and demands strict proof thereof in accordance with the requirements of the laws of this State.

REQUESTED RELIEF

2. **Prayer.** Lincoln National respectfully requests the following relief:
- (a) That Plaintiff take nothing by reason of her suit;
 - (b) That Lincoln National recover its court costs; and
 - (c) That Lincoln National have all such other and further relief, both general and special, at law and in equity, to which it may show itself justly entitled.

Respectfully submitted,

By: /s/ Andrew C. Whitaker
Andrew C. Whitaker
State Bar No. 21273600
andrew.whitaker@figdav.com
Roshanak Khosravighasemabadi
State Bar No. 24048587
Rosh.Khosravi@figdav.com

FIGARI + DAVENPORT, LLP
901 Main Street, Suite 3400
Dallas, Texas 75202
(214) 939-2000
(214) 939-2090 (telecopy)

ATTORNEYS FOR DEFENDANT
THE LINCOLN NATIONAL LIFE
INSURANCE COMPANY

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been sent by email and certified mail, return receipt requested, to Mr. Michael Callahan and Mr. Casey Brown, The Callahan Law Firm, 440 Louisiana, Suite 2050, Houston, Texas 77002, on this 16th day of February, 2017.

/s/ Andrew C. Whitaker
Andrew C. Whitaker

6

DOCKET NO. 2016-0151A-CV

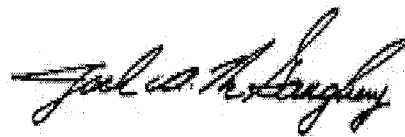
| | | |
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| VICKIE ROBINSON | § | IN THE 97th DISTRICT COURT |
| VS. | § | |
| LINCOLN NATIONAL LIFE | § | OF |
| INSURANCE COMPANY | § | |
| | § | ARCHER COUNTY, TEXAS |

ORDER FOR PRETRIAL SCHEDULING CONFERENCE

Pursuant to the Local Rules of this Court and Rule 166, Texas Rules of Civil Procedure, IT IS ORDERED:

1. A pretrial scheduling conference (See Rule 7 of Local Rules and Rule 166, Texas Rules of Civil Procedure) at which all counsel and pro se parties must appear is set for 9:00 A.M. on MARCH 6, 2017, for the following purposes:
 - A. Establishment of a discovery schedule;
 - B. Establish a date by which mediation shall be concluded;
 - C. To tentatively schedule a final pretrial conference;
 - D. To tentatively schedule an initial jury/non-jury trial setting;
 - E. Any other matter as may aid in the disposition of the action including all items listed in Local Rule 7.
2. Counsel and pro se parties shall certify to the Court by appearance at the scheduling conference that each has read and are familiar with the current Local Rules of this Court.
3. With approval of the Court, the pretrial scheduling conference may be waived by compliance with Local Rule 7.4 and by counsel completing and signing the *attached proposed Agreed Scheduling Order*.
4. Strict compliance with this order and all Local Rules is mandatory. Appropriate sanctions will be imposed for failure to comply.

Signed February 17, 2017.



JACK MCGAUGHEY, Judge Presiding

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DOCKET NO. 2016-0151A-CV

| | | |
|-----------------------|---|----------------------------|
| VICKIE ROBINSON | § | IN THE 97th DISTRICT COURT |
| VS. | § | |
| LINCOLN NATIONAL LIFE | § | OF |
| INSURANCE COMPANY | § | |
| | § | ARCHER COUNTY, TEXAS |

AGREED SCHEDULING ORDER

This order will control the scheduling of this case until further Court order. No exception to the schedule shall be permitted without written motion and leave of the Court.

IT IS ORDERED:

1. All discovery, including answers to all interrogatories, admissions and requests for production, and including all supplementations thereto, shall be completed by _____, _____. All hearings on objections to discovery shall be [Month, Day] [Year] Requested to be heard prior to the discovery completion date.

2. All motions for summary judgment (and any similar motions) shall be timely filed to permit them to be heard at or before the pretrial conference. "No evidence" motions for summary judgment shall not be set for hearing prior to completion of discovery.

3. Counsel shall submit to the Court an Agreed Order for Mediation on or before _____, _____. Mediation of all contested issues shall be held on or before _____, _____. *[Mediation shall be completed 2 to 3 weeks prior to the final pretrial conference].*

In the event such Agreed Order for Mediation has not been submitted by that date, the Court shall appoint a mediator.

4. *[Confirm pretrial date and time with Court Coordinator before entering data in blanks].* A final pretrial conference shall be held at _____ o'clock ____m., on _____, _____. All motions and remaining pretrial matters shall be filed timely to permit them to be heard at the time of the pretrial conference. Matters which will be considered at the pretrial shall be all of those matters listed in this order and a pretrial order to be later forwarded by the Court.

5. *[Confirm trial date with Court Coordinator before entering data in blanks].* This case is set for trial at 9:00 o'clock a.m. on _____, _____. If not reached at that time, it shall be carried forward on successive non-jury/jury dockets in this county until disposed of.

6. All times set forth in this order are mandatory. Compliance with all Local Rules is Ordered except as may be modified in this order.

Signed _____.

JACK MCGAUGHEY, Judge Presiding

Agreed: _____